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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,919

07/03/2003

Khai Hee Kwan

7891

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09/14/2010

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EXAMINER

ONYEZIA, CHUKS N

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

09/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,919	<b>Applicant(s)</b> KWAN, KHAI HEE	
	<b>Examiner</b> CHUKS ONYEZIA	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/12/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 05/13/2009 has been entered. Examiner has reopened prosecution.

***Response to Amendment***

2. Applicants' amendment and arguments filed on 05/13/2009 have been fully considered, and discussed below. It is noted that, by this amendment claims 1-2, 4, 6-8, 10, and 12 are amended. Presently claims 1-20 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the

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differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3,6, 7-9,12, 13-15,and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Case et al. U.S. Patent Number 5,613,679 (PTO-892 Reference A)in view of Understein U.S. Patent Number 7,092,904 B1 (PTO-892 Reference D).

5. As per claim 1 Case teaches a method for conducting a trusted deposit within at least one network connected to at least one depositor's computer, comprising, providing a host server connected to the network that performs steps comprising:

A) receiving bid amount as a discount from principal from depositors (see Case Col. 2 Lns. 35-51) Examiner interprets participants of a lottery as bidder of an auction;

B) selecting the winner from said bids submitted by depositors (see Case Col. 2 Lns. 44-51);

C) excluding said winner from future auctions (see Case Col. 4 Lns. 11-15);

D) depositing pooled funds for winner's account (see Case Col. 2 Lns. 48-49);

E) repeating steps A, B, C, D at predetermined intervals with remaining depositors; and whereby at least one depositor has return on deposit (see Case Col. 4 Lns. 11-15).

However Casa does not explicitly teach conducting a deposit auction. Understein auction requiring deposits accounts from its bidders (see Understein Col. 1 Lns 53-58 and Col. 5 Ln 63-Col. 6 Ln. 11). One of ordinary skill in the arts would have found motivation to combine the two teachings for the purpose of providing a secure way of extending credit to participants while assuring payment (see Understein Col. 1 Lns. 38-44)

6. As per claim 2 Case teaches the limitation of claim 1. Case further teaches pooled funds include funds from each selected winner making principal repayment at each predetermined interval beginning from the next interval following their respective winning interval (see Case Col. 2 Lns. 35-51).

7. As per claim 3 Case teaches the limitation of claim 1. Case further teaches pooled funds consist receiving the discounted principal from each remaining depositor not selected as winner at each predetermined interval, said discount is equivalent to the bid amount submitted by selected winner (see Case Col. 2 Lns. 35-51) Examiner interprets the recouping of original investment of a winner as a discounted principal.

8. As per claim 6 Case teaches the limitation of claim 1. Case further teaches said step of repeating at step E is executed until one depositor is remaining or for a fixed number of sessions as agreed by the members at the outset of the auction

whereby said number of sessions is no greater than the number of depositors at the outset (see Case Col. 4 Lns. 11-15).

9. Claim sets 7-9,12 and 13-15,18 are rejected using logic similar to that used to reject claim set 1-3,6.

10. Claims 19 and 20 are rejected using logic similar to that used to reject claims 1 and 6 respectively.

11. Claims 4,5,10,11,16, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Case et al. U.S. Patent Number 5,613,679 (PTO-892 Reference A) in view of Kou et al. U.S. Patent 6,363,365 B1 (PTO-892 Reference B) and Understein U.S. Patent Number 7,092,904 B1 (PTO-892 Reference D).

12. As per claim 4 Case teaches the limitation of claim 1. Case further teaches said members are anonymous (see case Fig 3 and 4, illustrates a slip void of personal identifiers. However Case does not teach membership of a depositor network is by invitation only. Understein teaches offering a bidder the ability to bid (see Understien Col. 1 Lns. 55-58). Also, Kou teaches bidding by invitation (see Kou Col. 4 Lns. 34-51). One would find the motivation to combine these teachings in this way, for the purpose of securing the auction network (see Kou Col. 1 Lns. 5-8).

13. As per claim 5 Case teaches the limitation of claim 1. Kou further teaches said networks are linked for deposit auction by

invitation from at least one member of one network having relationship with at least one member of the target link network (see Kou Col. 4 Lns. 34-51).

14. Claims 10 and 16 are rejected using logic similar to that used to reject claim 4.

15. Claims 11 and 17 are rejected using logic similar to that used to reject claim 5.

### ***Response to Arguments***

16. Applicant's arguments filed 03/17/2008 have been fully considered but they are not persuasive.

17. Applicant argues that:

Applicant rejects examiners interpretation of a participant of a lottery as a bidder in an auction.

Examiner responds that:

It is of the examiners interpretation that the two are very similar. However Casa does not explicitly teach conducting a deposit auction. Examiner relies on Understein teaching of auction requiring deposits accounts from its bidders (see Understein Col. 1 Lns 53-58 and Col. 5 Ln 63-Col. 6 Ln. 11).

**Conclusion**

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Robinson Patent Publication No. 2001/0054001 A1 (PTO-892 Reference C) Teaches that an auction employing random selection as a method of determining a winner.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS



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ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. O./  
Examiner, Art Unit 3691

/Alexander Kalinowski/  
Supervisory Patent  
Examiner, Art Unit 3691

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